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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,693	01/28/2002	Darryl Richard Schick	122185.100B	4085

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,693

Applicant(s)

SCHICK ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel et al (US PUB 2002/0122067), hereinafter, Geigel in view of Mastronardi (US PUB 2002/0126141).

As per claims 1, 6, and 11 Geigel teaches Inputting a group of images for which corresponding image files are available see for example page 5 paragraph [0077] for the inputting collection of images that are placed in an album; and displaying, to the user, a group of images for which corresponding image files are available see for example figure 1 and page 5 paragraph [0077] through the use of album pages; and receiving user input from the user by which the user selects one or more images from the group see for example page 1 paragraph [0010] for assigning image objects to a page based on user preferences and page 3 paragraph [0056] for the user specified preferences; and prompting the user to select a plurality of images from the group see for example page 1 paragraph [0010] for selection based on user preferences; and prompting the user to save the selected as an album of images see for example figure 1

and page 3 paragraph [0056]; and receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example page 5 paragraph [0078]; and making a copy of each image file that corresponds to one of the selected images to result in image file copies see for example page 4 paragraph [0061]; and saving, to the storage medium, the compressed image file copies that correspond to the selected images see for example figure 1 module 56 and page 3 paragraph [0057].

However, Geigel does not teach compressing the image file copies.

Mastronardi teaches compressing the image file copies see for example page 1 paragraphs [0004] and [0014].

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings to provide bulk memory representing an image and therefore provide a process for making a selecting on a audiovisual reproduction system using user friendly on screen windows see for example page 1 paragraph [0008].

As per claims 2, 7, and 12 Geigel teaches making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user

preferences are applied.

As per claims 3, 8, and 13 Geigel teaches automatically resize the one or more image file copies so that the one or more selected images, when displayed, will have a resolution not exceeding a resolution (system parameters such as resolution for albuming situations) required for optimal viewing on a standard display see for example figure 7 and page 4 paragraph [0064] wherein scaling is done through image placement module 132 and page 6 paragraph [0087].

As per claims 4, 9, and 14 Geigel teaches prompting the user to make one or more modifications to any of the selected images see for example page 1 paragraph [0010] wherein user implements preferences to images; and automatically adjust one or more of the image file copies to include one or more modifications see for example page 3 paragraph [0054] and page 4 paragraphs [0059- 0061] wherein automatic page distribution and duplicate detection is performed; and in the saving step, ensuring that the adjusted image file copies are saved as compressed adjusted image file copies see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein subsequent use of the system by a particular user is done through implementation of user preferences through album automation system and page 4 paragraph [0059] wherein a page layout algorithm must distribute the images amongst a set of pages and then layout the images on each individual page which corresponds to adjusted image file copies as being saved as compressed adjusted image file copies on each individual page.

As per claims 5, and 10 Geigel teaches saving, to the storage medium, a file that contains parameters of the album, wherein the file allows a user to automatically

recreate the image album for further duplication or modification see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein implementation of user preferences is done through album automation system which can be repeated by subsequent use of the system and the output can be produced on variety of photo delivery media e.g. picture CD media.

As per claim 15 Geigel saving, to the storage medium, a link that allows a user to view the image files that are stored on the storage medium as an album of images see for example claim 2 on page 12.

### ***Response to Arguments***

Applicant's arguments filed 03/28/2005 have been fully considered but they are not persuasive.

As per applicant's remarks on pages 7- 8, applicant argues elements b- e of independent claims 1, 6 and 11 are not taught or suggested through the prior arts made of the record.

Examiner respectfully disagrees.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant merely addresses some but not all said limitations as per arguments made filed 03/28/2005.

As per applicant's remarks on pages 7- 8, applicant argues "the Geigel system does not display images and prompt the user to select images to be included in an album from the collection of images that were input".

Examiner respectfully disagrees.

Examiner points out to the abstract wherein Geigel teaches "when a suitable layout has been generated, a final album output is generated and, which may be displayed, printed".

As to the broadest reasonable interpretation by examiner, Geigle clearly teach the data is derived from actual user images corresponding to user selected image see for example page 8 paragraph [0112] (prompting the user to select images to be included in an album) which are based on the preference parameter values obtained directly by asking the user when the pictures are input for album processing which are later stored as user profile and can be extracted see for example page 6 paragraph [0085].

For the sake of argument even if the user does it in an automated fashion, the background of Geigel teaches "there presently exist several software applications, which assist the user in manual creation of digital photo albums wherein the applications provide the user with a straightforward means of accomplishing the basic task of image organization and page layout, so called 'albuming' " see for example page 1 paragraph [0005].

Applicant at the same time admits to the input from the user even it be minimal on page 8 1<sup>st</sup> paragraph which is argued as teaching away form the invention.

As per applicant's remarks on page 9 applicant argues "Mastronardi does not involve selecting images for an album of images" and makes a reference to the remarks made on May 27, 2004.

Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner fails to see where such rejection were made in the non- final rejection made on 12/ 15/ 2004. As appears in said rejection made of the record Mastronardi only compensates Geigel for the deficiency of element (h) of the independent claims 1, 6 and 11 which recites "compressing the image file copies".

As per applicant's remarks on page 10 applicant argues "this paragraph does not teach or suggest making copies of image files; it describes detecting and removing duplicates" corresponding to the citation form Geigel paragraph [0061].

Examiner respectfully disagrees.

Examiner fails to see removing as per said citation. Also as to the broadest reasonable interpretation by examiner, performing duplication corresponds to making copies as per teachings of Geigel.

As per applicant's remarks on page 11 applicant argues that Geigel does not teach or suggest "an album title or having a representation of the album images on a



contact sheet image”.

Examiner respectfully disagrees.

As to the broadest reasonable interpretation by examiner Geigel inherently teaches an album title or having a representation of the album images on a contact sheet image through user providing of the metadata e.g., date, time, image format and other technical parameters see for example page 3 paragraph [0056]. The background of the invention also teaches user annotation of the images by entering text, or other data describing the image see for example page 1 paragraph [0006].

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### Inquiry

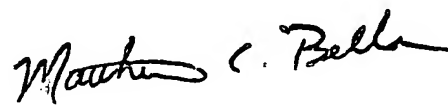
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872- 9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4357.

Mike Rahmjoo

May 5, 2005



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
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